

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>USAA CASUALTY INSURANCE COMPANY, a/s/o JOAN SONNEN,</b>	:	<b>CIVIL ACTION NO. 1:12-CV-1178</b>
	:	
	:	<b>(Chief Judge Conner)</b>
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>METROPOLITAN EDISON COMPANY,</b>	:	
	:	
<b>Defendant/Third Party Plaintiff,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>SCHNEIDER ELECTRIC USA, INC. f/k/a SQUARE D COMPANY,</b>	:	
	:	
<b>Defendant/Third Party Defendant.</b>	:	
	:	

**ORDER**

AND NOW, this 4th day of February, 2014, upon consideration of plaintiff USAA Casualty Insurance Company's ("USAA") motion to strike (Doc. 65), wherein USAA requests that the court strike the motion *in limine* to exclude the expert testimony of Ronald J. Panunto, P.E., C.F.E.I., C.F.C. (Doc. 56) and the related portions of the motion for summary judgment (Doc. 58), filed by defendant Metropolitan Edison Company ("Met-Ed") on January 13, 2014, on grounds that the motion *in limine* (Doc. 56) was untimely filed in violation of the court's case management orders, (see Docs. 18, 54), and it appearing that Met-Ed was required to file a motion to exclude expert testimony under Daubert v. Merrell Dow Pharmas.,

509 U.S. 579 (1993), within thirty (30) days of receipt of the expert report, (Doc. 18 ¶ 6(b)), and it further appearing that Met-Ed received Mr. Panunto's expert report on November 4, 2013, (see Doc. 65 ¶ 8), but did not file the motion *in limine* to exclude Mr. Panunto's expert testimony until January 13, 2014, (see Doc. 56; Doc. 65 ¶ 10), but it also appearing that the parties agreed to postpone the deposition of Mr. Panunto from November 22, 2013 until December 19, 2013, (see Doc. 66 ¶¶ 17-18; Doc. 68 at 1-2), and Met-Ed filed the motion *in limine* and motion for summary judgment soon after the deposition and in compliance with the court's deadline for dispositive motions, (see Doc. 68 at 2), and the court noting that USAA has the opportunity to challenge the motions and will not suffer any prejudice as a result of the delay, and the court finding it in the interests of justice to resolve the motions on the merits, it is hereby ORDERED that USAA's motion to strike (Doc. 65) the motion *in limine* (Doc. 56) and motion for summary judgment (Doc. 58) is DENIED.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania